

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

925C0042

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB80** - 1/25/99

Introduced by: Senators Albers, Benson, Ham, Kleven, Staggers, and Vitter and
Representatives Hennies, Engbrecht, and Weber

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to the disposition of
2 certain controlled weapons or firearms.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-37-9 be amended to read as follows:

5 23A-37-9. Articles of contraband or property of an illegal nature shall be destroyed, except
6 that any articles which are capable of lawful use may in the discretion of the court be sold and
7 the proceeds disposed of as provided in § 23A-37-10. ~~If there is no claimant or if the right to~~
8 ~~possession or ownership of seized controlled weapon or firearm cannot be determined after a~~
9 ~~reasonable period of time, the controlled weapon or firearm shall be delivered to the state~~
10 ~~forensic laboratory within the office of attorney general. The state forensic laboratory may retain~~
11 ~~the controlled weapon or firearm for scientific examination purposes or destroy the firearm or~~
12 ~~controlled weapon. However, the provisions of § 23A-37-13 apply to any controlled weapon or~~
13 firearm.

14 Section 2. That § 23A-37-13 be amended to read as follows:

15 23A-37-13. Any controlled weapon or firearm used in violation of chapter 22-14 shall be
16 disposed of as follows:

- 1 (1) If it is stolen, it shall be returned to the lawful owner upon proof of ownership; or
- 2 (2) If it is illegal, it shall be destroyed pursuant to law; or
- 3 (3) If it is neither stolen nor illegal, it shall be delivered to the arresting agency or, at the
- 4 direction of the attorney general, to the South Dakota Forensic Laboratory for
- 5 scientific examination purposes, for lawful use or disposal.

6 In the case of a disposition pursuant to subdivision (3), the arresting agency may use,

7 trade-in, or destroy the controlled weapon or firearm.

1 **BILL HISTORY**

2 1/21/99 First read in Senate and referred to Judiciary. S.J. 144

3 1/25/99 Scheduled for Committee hearing on this date.

4 1/25/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 174